EXHIBIT E

Rimini Street's Direct Examination of Professor Owen Astrachan

Summary of Opinions

Oracle v. Rimini Street

Case No. 2:10-cv-0106-LRH-VCF

Show Cause Hearing

Professor Owen Astrachan

Professor Owen Astrachan

Professor of the Practice of Computer Science, Duke University

Education

- Ph.D., Computer Science, Duke University – 1992
- M.S., Computer Science, Duke University – 1989
- M.A.T., Mathematics, Duke University – 1979
- A.B., Mathematics, Dartmouth College – 1978
  - *with distinction in Mathematics, Summa Cum Laude, Phi Beta Kappa*

DUKE COMPUTER SCIENCE

Dartmouth

DTX-0002-001

Professor Owen Astrachan

Professor of the Practice of Computer Science, Duke University

Awards and Publications

- National Science Foundation, Career Award & Distinguished Education Fellow
- IBM Faculty Award & Richard K. Lublin Teaching Award (Duke University)
- Karl Karlstrom Outstanding Educator Award, Association of Computing Machinery (ACM)
- Authored college computer science textbook and numerous publications

Association for Computing Machinery

DTX-0002-002

- **Issue 1: Isolated PeopleSoft files sent by clients**
- **Issue 5: RSPCMPAY.cbl**
- **Issue 9: JDE105328 Technical Specification**
- **Derivative Works and "Cross Use"**
  - Issue 3: W-2 update for Johnson Controls
  - Issue 4: rsi940a.sqr update for Smead and Spherion
  - Issue 6: 1099 Update for Easter Seals
  - Issue 10: rsiqtrtx.sqr update for Rockefeller Group and Home Shopping Network

Materials Reviewed

- Source code of Rimini's AFW tools
- Logs and records from Rimini's AFW database
- Dev instructions and technical specifications
- Emails and other documents concerning development
- Rimini's development database – JIRA
- Rimini's Quality Assurance database – SPIRA
- Deposition testimony
- My two prior reports in *Rimini II*
- Rimini and Oracle code files

- **Issue 1: Isolated PeopleSoft files sent by clients**
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PeopleSoft Files Sent by Rimini Clients

Barbara Frederiksen-Cross

- **Salesforce attachments by clients:**

4 support cases

OREX_0103, OREX_0104, OREX_0105, OREX_0013

8 files

OREX_0221, OREX_0213, OREX_0222, OREX_0229, OREX_0232, OREX_0234, OREX_0235. OREX_0236

- **Files emailed by clients:**

3 emails

OREX_0004, OREX_0098, DTX-0110

11 files

OREX_0005–OREX_0012, OREX_0099, OREX_0094, OREX_0096

(As testified by Frederiksen-Cross)

- Issue 1: Isolated PeopleSoft files sent by clients
- **Issue 5: RSPCMPAY.cbl**
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  - Issue 3: W-2 update for Johnson Controls
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  - Issue 6: 1099 Update for Easter Seals
  - Issue 10: rsiqtrtx.sqr update for Rockefeller Group and Home Shopping Network

The Files

ORACLE

Rimini Street®

ORACLE	Rimini Street®
Loads data from the client's database	Loads data from the client's database
Loads significantly more data	Loads significantly less data
—	Loads data from previous checks
—	Breaks year-to-year data into granular detail
Stores the data in various data structures	Stores data in Rimini-specific "RSLNK" array

DTX-0502 DTX-0501

The Proper Analysis

1 **Conduct Analytic Dissection to determine: Are any "matching" portions protectable?**

NO → No Violation

YES ↓

2 **Are any protected "matching" portions a substantial portion of the copyrighted work?**

NO → No Violation

Filtering out the Unprotectible Elements

Unprotectible elements to filter out:

i. Code constrained by the syntax of a computer language

ii. Code constrained by software function

iii. Code constrained by logic or efficiency

iv. Code constrained by standard programming terms

v. Code constrained by standard development conventions

Matching Lines Analysis Is Wrong

Barbara Frederiksen-Cross

- Ignores whether the code is protectable
- Ignores context, order, and sequence of the lines and ignores structure of the files
- Only checks whether any line anywhere matches any line anywhere else

Constrained Lines

- Cobol Commands
- Conventional Section Headers
- Asterisks
- Functional Code = Particular Syntax
- Same Code, Different Function

Language Constraints

Cobol Commands

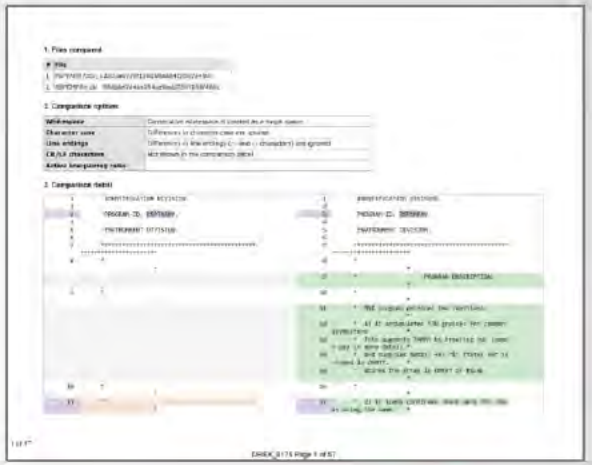
- Bind-Setup
- Select-Setup
- Bind-Data
- Select-Data
- ELSE
- END-IF
- END-PERFORM
- EXIT PROGRAM
- SQL-ERROR-EXIT
- MAIN-EXIT
- These are just examples

Cobol Section Constraints

Conventional Section Headers

- CBL programming has conventions for headers
- IDENTIFICATION DIVISION
- ENVIRONMENT DIVISION
- PROGRAM DESCRIPTION
- DATA DIVISION
- WORKING-STORAGE SECTION

Comment Convention Constraints



Asterisks

⊖ Asterisks

```
7       **********************************************          7       **********************************************
        **********************                                          **********************
```

OREX_0175 at 1

⊖ "flower boxes"

```
131     /*********************************************          38      /*********************************************
        **********************                                          **********************
```

OREX_0175 at 5

Functional Code Constraints

ORACLE

Rimini Street

```
176                 03  FILLER                 PIC X(10)
      VALUE ALL 'C'.
```

```
58                  03  FILLER                 PIC X(10)
                        VALUE ALL 'C'.
```

Third level of indentation in the program

Sets the value of the 10 bytes of data

Indicates the data is characters

Needed to fill the buffer

Creates a data list that is 10 values long

Functional Code = Particular Syntax

OREX_0175 at 7

Structure, Sequence, and Organization Constraints

ORACLE

```
243                 03  FILLER                 PIC X(10)
        VALUE ALL 'C'.
244                 03  FILLER                 PIC X(6)
        VALUE ALL 'H'.
245                 03  FILLER                 PIC X(10)
        VALUE ALL 'D'.
```

Rimini Street

```
64                  03  FILLER                 PIC X(10)
        VALUE ALL 'C'.

65                  03  FILLER                 PIC X(10)
        VALUE ALL 'D'.
```

OREX_0175 at 9

Same Code, Different Function

Structure, Sequence, and Organization Constraints

ORACLE

```
235        /*****************************************
           **********************
236        *              CO_STATETAX_TBL BUFFER AND STMT
                          *
237        *****************************************
           **********************
```

OREX_0175 at 9

```
243                03  FILLER              PIC X(10)
           VALUE ALL 'C'.
244                03  FILLER              PIC X(6)
           VALUE ALL 'H'.
245                03  FILLER              PIC X(10)
           VALUE ALL 'D'.
```

Rimini Street

```
37
38         /*****************************************
           **********************
39         *    COMMON PAY YTD - BUFFER AND STMT
                          *
40         *****************************************
           **********************
```

OREX_0175 at 5

```
64                 03  FILLER              PIC X(10)
           VALUE ALL 'C'.
65                 03  FILLER              PIC X(10)
           VALUE ALL 'D'.
```

OREX_0175 at 9

Same Code, Different Function

ORACLE

Rimini Street®

```
882       *                                                        *
883        GD000-FETCH-TAX-BAL SECTION.
884        GD000.
885       *                                                        *
886       ******************************************************************
887
888            INITIALIZE SELECT-DATA OF S-YTD
889
890            CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT
891                                    SQLRT
892                                    SQL-CURSOR OF S-YTD
893            IF RTNCD-END OF SQLRT
894
895                SET FETCH-YTD-END OF S-YTD  TO  TRUE
896
897                CALL 'PTPSQLRT' USING   ACTION-DISC
898                                        SQLRT
899                                        SQL-CURSOR OF S-YTD
900                IF RTNCD-ERROR OF SQLRT
901
902                    MOVE 'FETCH-TAX-BAL(DISC)'  TO
ERR-SECTION OF SQLRT
903                    PERFORM ZZ000-SQL-ERROR
904                END-IF
905            ELSE
906                IF RTNCD-ERROR OF SQLRT
907
908                    MOVE 'FETCH-TAX-BAL'  TO  ERR-SECTIO
N OF SQLRT
909                    PERFORM ZZ000-SQL-ERROR
910                ELSE
```

PSPTARRY.cbl

```
357       *                                                        *
358        GD000-FETCH-CMPAY SECTION.
359        GD000.
360       *                                                        *
361       ******************************************************************
362
363            INITIALIZE SELECT-DATA OF S-YTD
364
365            CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT
366                                    SQLRT
367                                    SQL-CURSOR OF S-YTD
368            IF RTNCD-END OF SQLRT
369
370                SET FETCH-YTD-END OF S-YTD  TO  TRUE
371
372                CALL 'PTPSQLRT' USING   ACTION-DISC
ONNECT OF SQLRT
373                                        SQLRT
374                                        SQL-CURSOR OF S-YTD
375                IF RTNCD-ERROR OF SQLRT
376
377                    MOVE 'FETCH-CMPAY(DISC)'  TO  ERR-SECTIO
N OF SQLRT
378                    PERFORM ZZ000-SQL-ERROR
379                END-IF
380            ELSE
381                IF RTNCD-ERROR OF SQLRT
382
383                    MOVE 'FETCH-CMPAY'  TO  ERR-SECTIO
N OF SQLRT
384                    PERFORM ZZ000-SQL-ERROR
```

RSPCMPAY.cbl

OREX_0175 at 29

ORACLE | Rimini Street®

```
882       *                                                              *
883        GD000-FETCH-TAX-BAL SECTION.
884        GD000.
885       *                                                              *
886       ****************************************************************
887
888             INITIALIZE SELECT-DATA OF S-YTD
```

```
357       *                                                              *
358        GD000-FETCH-CMPAY SECTION.
359        GD000.
360       *                                                              *
361       ****************************************************************
362
363             INITIALIZE SELECT-DATA OF S-YTD
```

```
885       *                                                              *
886       ****************************************************************
```

```
360       *                                                              *
361       ****************************************************************
```

```
894
895                 SET FETCH-YTD-END OF S-YTD  TO  TRUE
896
897                 CALL 'PTPSQLRT' USING   ACTION-DISC
    ONNECT OF SQLRT
898                                         SQLRT
899                                         SQL-CURSOR OF S-YTD
900                 IF RTNCD-ERROR OF SQLRT
901
902                     MOVE 'FETCH-TAX-BAL(DISC)'  TO
    ERR-SECTION OF SQLRT
903                     PERFORM ZZ000-SQL-ERROR
904                 END-IF
905             ELSE
906                 IF RTNCD-ERROR OF SQLRT
907
908                     MOVE 'FETCH-TAX-BAL'  TO  ERR-SECTIO
    N OF SQLRT
909                     PERFORM ZZ000-SQL-ERROR
910                 ELSE
```

```
369
370                 SET FETCH-YTD-END OF S-YTD  TO  TRUE
371
372                 CALL 'PTPSQLRT' USING   ACTION-DISC
    ONNECT OF SQLRT
373                                         SQLRT
374                                         SQL-CURSOR OF S-YTD
375                 IF RTNCD-ERROR OF SQLRT
376
377                     MOVE 'FETCH-CMPAY(DISC)'  TO  ERR-SECTIO
    N OF SQLRT
378                     PERFORM ZZ000-SQL-ERROR
379                 END-IF
380             ELSE
381                 IF RTNCD-ERROR OF SQLRT
382
383                     MOVE 'FETCH-CMPAY'  TO  ERR-SECTIO
    N OF SQLRT
384                     PERFORM ZZ000-SQL-ERROR
```

PSPTARRY.cbl | **RSPCMPAY.cbl**

OREX_0175 at 29

ORACLE

Rimini Street®

```
882       *                                                        *
883        GD000-FETCH-TAX-BAL SECTION.
884        GD000.
885       *                                                        *
886       ************************************************************
887                                                                  *
888                INITIALIZE SELECT-DATA OF S-YTD
889
890                CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT
891                                        SQLRT
892                                        SQL-CURSOR OF S-YTD
893                IF RTNCD-END OF SQLRT
894
895                    SET FETCH-YTD-END OF S-YTD  TO  TRUE
896
897                    CALL 'PTPSQLRT' USING   ACTION-DISC
    ONNECT OF SQLRT
898                                            SQLRT
899                                            SQL-CURSOR OF S-YTD
900                    IF RTNCD-ERROR OF SQLRT
901
902                        MOVE 'FETCH-TAX-BAL(DISC)'  TO
    ERR-SECTION OF SQLRT
903                        PERFORM ZZ000-SQL-ERROR
904                    END-IF
905                ELSE
906                    IF RTNCD-ERROR OF SQLRT
907
908                        MOVE 'FETCH-TAX-BAL'  TO  ERR-SECTIO
    N OF SQLRT
909                        PERFORM ZZ000-SQL-ERROR
910                    ELSE
```

PSPTARRY.cbl

```
357       *                                                        *
358        GD000-FETCH-CMPAY SECTION.
359        GD000.
360       *                                                        *
361       ************************************************************
362                                                                  *
363                INITIALIZE SELECT-DATA OF S-YTD
364
365                CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT
366                                        SQLRT
367                                        SQL-CURSOR OF S-YTD
368                IF RTNCD-END OF SQLRT
369
370                    SET FETCH-YTD-END OF S-YTD  TO  TRUE
371
372                    CALL 'PTPSQLRT' USING   ACTION-DISC
    ONNECT OF SQLRT
373                                            SQLRT
374                                            SQL-CURSOR OF S-YTD
375                    IF RTNCD-ERROR OF SQLRT
376
377                        MOVE 'FETCH-CMPAY(DISC)'  TO  ERR-SECTIO
    N OF SQLRT
378                        PERFORM ZZ000-SQL-ERROR
379                    END-IF
380                ELSE
381                    IF RTNCD-ERROR OF SQLRT
382
383                        MOVE 'FETCH-CMPAY'  TO  ERR-SECTIO
    N OF SQLRT
384                        PERFORM ZZ000-SQL-ERROR
```

RSPCMPAY.cbl

OREX_0175 at 29

ORACLE

Rimini Street®

```
882       *                                                        *
883           GD000-FETCH-TAX-BAL SECTION.
884           GD000.
885
886
887
888               INITIALIZE SELECT-DATA OF S-YTD
889
890               CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT
891               IF RTNCD-END OF SQLRT
892
893                   SET FETCH-YTD-END OF S-YTD  TO  TRUE
894
895                   CALL 'PTPSQLRT' USING   ACTION-DISC
    ONNECT OF SQLRT
896                                           SQLRT
897                                           SQL-CURSOR OF S-YTD
898               IF RTNCD-ERROR OF SQLRT
899
900                   MOVE 'FETCH-TAX-BAL(DISC)'  TO
    ERR-SECTION OF SQLRT
901                   PERFORM ZZ000-SQL-ERROR
902               END-IF
903           ELSE
904               IF RTNCD-ERROR OF SQLRT
905
906                   MOVE 'FETCH-TAX-BAL'  TO  ERR-SECTIO
    N OF SQLRT
907                   PERFORM ZZ000-SQL-ERROR
908               ELSE
```

```
357       *                                                        *
358           GD000-FETCH-CMPAY SECTION.
359           GD000.
360
361
362
363               INITIALIZE SELECT-DATA OF S-YTD
364
365               CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT
366               IF RTNCD-END OF SQLRT
367
368                   SET FETCH-YTD-END OF S-YTD  TO  TRUE
369
370                   CALL 'PTPSQLRT' USING   ACTION-DISC
    ONNECT OF SQLRT
371                                           SQLRT
372                                           SQL-CURSOR OF S-YTD
373               IF RTNCD-ERROR OF SQLRT
374
375                   MOVE 'FETCH-CMPAY(DISC)'  TO  ERR-SECTIO
    N OF SQLRT
376                   PERFORM ZZ000-SQL-ERROR
377               END-IF
378           ELSE
379               IF RTNCD-ERROR OF SQLRT
380
381                   MOVE 'FETCH-CMPAY'  TO  ERR-SECTIO
    N OF SQLRT
382                   PERFORM ZZ000-SQL-ERROR
383
```

888 INITIALIZE SELECT-DATA OF S-YTD

363 INITIALIZE SELECT-DATA OF S-YTD

PSPTARRY.cbl

RSPCMPAY.cbl

OREX_0175 at 29

ORACLE

Rimini Street®

```
882       *                                                                
                                                                           
883         GD000-FETCH-TAX-BAL SECTION.                                   
884         GD000.                                                         
885                                                                        
                                                                           
886                                                                        
                                                                           
887                                                                        
888             INITIALIZE SELECT-DATA OF S-YTD                            
889                                                                        
890             CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT              
891                                     SQLRT                              
892                                     SQL-CURSOR OF S-YTD                
893             IF RTNCD-END OF SQLRT                                      
894                                                                        
895                 SET FETCH-YTD-END OF S-YTD  TO  TRUE                   
896                                                                        
897                 CALL 'PTPSQLRT' USING   ACTION-DISC                    
    ONNECT OF SQLRT                                                        
898                                         SQLRT                          
899                                         SQL-CURSOR OF S-YTD            
900                 IF RTNCD-ERROR OF SQLRT                                
901                                                                        
902                     MOVE 'FETCH-TAX-BAL(DISC)'  TO                     
    ERR-SECTION OF SQLRT                                                   
903                     PERFORM ZZ000-SQL-ERROR                            
904                 END-IF                                                 
905             ELSE                                                       
906                 IF RTNCD-ERROR OF SQLRT                                
907                                                                        
908                     MOVE 'FETCH-TAX-BAL'  TO  ERR-SECTIO               
    N OF SQLRT                                                             
909                     PERFORM ZZ000-SQL-ERROR                            
910                 ELSE                                                   
```

PSPTARRY.cbl

```
357       *                                                                
                                                                           
358         GD000-FETCH-CMPAY SECTION.                                     
359         GD000.                                                         
360                                                                        
                                                                           
361                                                                        
                                                                           
362                                                                        
363             INITIALIZE SELECT-DATA OF S-YTD                            
364                                                                        
365             CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT              
366                                     SQLRT                              
367                                     SQL-CURSOR OF S-YTD                
368             IF RTNCD-END OF SQLRT                                      
369                                                                        
370                 SET FETCH-YTD-END OF S-YTD  TO  TRUE                   
371                                                                        
372                 CALL 'PTPSQLRT' USING   ACTION-DISC                    
    ONNECT OF SQLRT                                                        
373                                         SQLRT                          
374                                         SQL-CURSOR OF S-YTD            
375                 IF RTNCD-ERROR OF SQLRT                                
376                                                                        
377                     MOVE 'FETCH-CMPAY(DISC)'  TO  ERR-SECTIO           
    N OF SQLRT                                                             
378                     PERFORM ZZ000-SQL-ERROR                            
379                 END-IF                                                 
380             ELSE                                                       
381                 IF RTNCD-ERROR OF SQLRT                                
382                                                                        
383                     MOVE 'FETCH-CMPAY'  TO  ERR-SECTIO                 
    N OF SQLRT                                                             
384                     PERFORM ZZ000-SQL-ERROR                            
```

RSPCMPAY.cbl

OREX_0175 at 29

ORACLE | Rimini Street®

```
882       *                                                              357       *
                    *                                                                    *
883       GD000-FETCH-TAX-BAL SECTION.                                   358       GD000-FETCH-CMPAY SECTION.
890           CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT              365           CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT
891                                   SQLRT                              366                                   SQLRT
892                                   SQL-CURSOR OF S-YTD                367                                   SQL-CURSOR OF S-YTD
887                                                                      362
888                                                                      363
889                                                                      364
890           CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT              365           CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT
891                                   SQLRT                              366                                   SQLRT
892                                   SQL-CURSOR OF S-YTD                367                                   SQL-CURSOR OF S-YTD
893           IF RTNCD-END OF SQLRT                                      368           IF RTNCD-END OF SQLRT
894                                                                      369
895               SET FETCH-YTD-END OF S-YTD  TO  TRUE                   370               SET FETCH-YTD-END OF S-YTD  TO  TRUE
896                                                                      371
897               CALL 'PTPSQLRT' USING   ACTION-DISC                    372               CALL 'PTPSQLRT' USING   ACTION-DISC
    ONNECT OF SQLRT                                                        ONNECT OF SQLRT
898                                       SQLRT                          373                                   SQLRT
899                                       SQL-CURSOR OF S-YTD            374                                   SQL-CURSOR OF S-YTD
900               IF RTNCD-ERROR OF SQLRT                                375               IF RTNCD-ERROR OF SQLRT
901                                                                      376
902                   MOVE 'FETCH-TAX-BAL(DISC)'  TO                     377                   MOVE 'FETCH-CMPAY(DISC)'  TO  ERR-SECTIO
    ERR-SECTION OF SQLRT                                                   N OF SQLRT
903                   PERFORM ZZ000-SQL-ERROR                            378                   PERFORM ZZ000-SQL-ERROR
904               END-IF                                                 379               END-IF
905           ELSE                                                       380           ELSE
906               IF RTNCD-ERROR OF SQLRT                                381               IF RTNCD-ERROR OF SQLRT
907                                                                      382
908                   MOVE 'FETCH-TAX-BAL'  TO  ERR-SECTIO               383                   MOVE 'FETCH-CMPAY'  TO  ERR-SECTIO
    N OF SQLRT                                                             N OF SQLRT
909                   PERFORM ZZ000-SQL-ERROR                            384                   PERFORM ZZ000-SQL-ERROR
910               ELSE
```

PSPTARRY.cbl | **RSPCMPAY.cbl**

OREX_0175 at 29

ORACLE

Rimini Street®

```
882       *                                                         *
883        GD000-FETCH-TAX-BAL SECTION.
884        GD000.
885
886
887
888
889
890             CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT
891                                     SQLRT
892                                     SQL-CURSOR OF S-YTD
893             IF RTNCD-END OF SQLRT
894
895                 SET FETCH-YTD-END OF S-YTD  TO  TRUE
896
897                 CALL 'PTPSQLRT' USING   ACTION-DISC
    ONNECT OF SQLRT
898                                         SQLRT
899                                         SQL-CURSOR OF S-YTD
900                 IF RTNCD-ERROR OF SQLRT
901
902                     MOVE 'FETCH-TAX-BAL(DISC)'  TO
    ERR-SECTION OF SQLRT
903                     PERFORM ZZ000-SQL-ERROR
904                 END-IF
905             ELSE
906                 IF RTNCD-ERROR OF SQLRT
907
908                     MOVE 'FETCH-TAX-BAL'  TO  ERR-SECTIO
    N OF SQLRT
909                     PERFORM ZZ000-SQL-ERROR
910                 ELSE
```

PSPTARRY.cbl

```
357       *                                                         *
358        GD000-FETCH-CMPAY SECTION.
359        GD000.
360
361
362
363
364
365             CALL 'PTPSQLRT' USING   ACTION-FETCH OF SQLRT
366                                     SQLRT
367                                     SQL-CURSOR OF S-YTD
368             IF RTNCD-END OF SQLRT
369
370                 SET FETCH-YTD-END OF S-YTD  TO  TRUE
371
372                 CALL 'PTPSQLRT' USING   ACTION-DISC
    ONNECT OF SQLRT
373                                         SQLRT
374                                         SQL-CURSOR OF S-YTD
375                 IF RTNCD-ERROR OF SQLRT
376
377                     MOVE 'FETCH-CMPAY(DISC)'  TO  ERR-SECTIO
    N OF SQLRT
378                     PERFORM ZZ000-SQL-ERROR
379                 END-IF
380             ELSE
381                 IF RTNCD-ERROR OF SQLRT
382
383                     MOVE 'FETCH-CMPAY'  TO  ERR-SECTIO
    N OF SQLRT
384                     PERFORM ZZ000-SQL-ERROR
```

RSPCMPAY.cbl

OREX_0175 at 29

ORACLE | Rimini Street®

```
882       *                         *
883        GD000-FETCH-TAX-BAL SECTION.
884        GD000.
885
886
887
888
889
890
891
892
893             IF RTNCD-END OF SQLRT
894
895                 SET FETCH-YTD-END OF S-YTD  TO  TRUE
896
897                 CALL 'PTPSQLRT' USING   ACTION-DISC
      ONNECT OF SQLRT
898                                         SQLRT
899                                         SQL-CURSOR OF S-YTD
900             IF RTNCD-ERROR OF SQLRT
```

```
357       *                         *
358        GD000-FETCH-CMPAY SECTION.
359        GD000.
360
361
362
363
364
365
366
367
368             IF RTNCD-END OF SQLRT
369
370                 SET FETCH-YTD-END OF S-YTD  TO  TRUE
371
372                 CALL 'PTPSQLRT' USING   ACTION-DISC
      ONNECT OF SQLRT
373                                         SQLRT
374                                         SQL-CURSOR OF S-YTD
375             IF RTNCD-ERROR OF SQLRT
```

```
893             IF RTNCD-END OF SQLRT
894
895                 SET FETCH-YTD-END OF S-YTD  TO  TRUE
896
897                 CALL 'PTPSQLRT' USING   ACTION-DISC
      ONNECT OF SQLRT
898                                         SQLRT
899                                         SQL-CURSOR OF S-YTD
910             ELSE
```

```
368             IF RTNCD-END OF SQLRT
369
370                 SET FETCH-YTD-END OF S-YTD  TO  TRUE
371
372                 CALL 'PTPSQLRT' USING   ACTION-DISC
      ONNECT OF SQLRT
373                                         SQLRT
374                                         SQL-CURSOR OF S-YTD
```

PSPTARRY.cbl | **RSPCMPAY.cbl**

OREX_0175 at 29

ORACLE | Rimini Street®

```
882       *                                                              *
883           GD000-FETCH-TAX-BAL SECTION.
884           GD000.
885
886
887
888
889
890
891
892
893               IF RTNCD-END OF SQLRT
894
895                   SET FETCH-YTD-END OF S-YTD  TO  TRUE
896
897                   CALL 'PTPSQLRT' USING   ACTION-DISC
      CONNECT OF SQLRT
898                                           SQLRT
899                                           SQL-CURSOR OF S-YTD
900                   IF RTNCD-ERROR OF SQLRT
901
902                       MOVE 'FETCH-TAX-BAL(DISC)'  TO
      ERR-SECTION OF SQLRT
903                       PERFORM ZZ000-SQL-ERROR
904                   END-IF
905               ELSE
906                   IF RTNCD-ERROR OF SQLRT
907
908                       MOVE 'FETCH-TAX-BAL'  TO  ERR-SECTIO
      N OF SQLRT
909                       PERFORM ZZ000-SQL-ERROR
910                   ELSE
```

```
357       *                                                              *
358           GD000-FETCH-CMPAY SECTION.
359           GD000.
360
361
362
363
364
365
366
367
368               IF RTNCD-END OF SQLRT
369
370                   SET FETCH-YTD-END OF S-YTD  TO  TRUE
371
372                   CALL 'PTPSQLRT' USING   ACTION-DISC
      CONNECT OF SQLRT
373                                           SQLRT
374                                           SQL-CURSOR OF S-YTD
375                   IF RTNCD-ERROR OF SQLRT
376
377                       MOVE 'FETCH-CMPAY(DISC)'  TO  ERR-SECTIO
      N OF SQLRT
378                       PERFORM ZZ000-SQL-ERROR
379                   END-IF
380               ELSE
381                   IF RTNCD-ERROR OF SQLRT
382
383                       MOVE 'FETCH-CMPAY'  TO  ERR-SECTIO
      N OF SQLRT
384                       PERFORM ZZ000-SQL-ERROR
```

PSPTARRY.cbl | **RSPCMPAY.cbl**

OREX_0175 at 29

ORACLE

Rimini Street®

```
900                 IF RTNCD-ERROR OF SQLRT
901
902                     MOVE 'FETCH-TAX-BAL(DISC)'  TO
    ERR-SECTION OF SQLRT
903                     PERFORM ZZ000-SQL-ERROR
904                 END-IF
905             ELSE
906                 IF RTNCD-ERROR OF SQLRT
907
908                     MOVE 'FETCH-TAX-BAL'  TO  ERR-SECTIO
    N OF SQLRT
909                     PERFORM ZZ000-SQL-ERROR
```

```
375                 IF RTNCD-ERROR OF SQLRT
376
377                     MOVE 'FETCH-CMPAY(DISC)'  TO  ERR-SECTIO
    N OF SQLRT
378                     PERFORM ZZ000-SQL-ERROR
379                 END-IF
380             ELSE
381                 IF RTNCD-ERROR OF SQLRT
382
383                     MOVE 'FETCH-CMPAY'  TO  ERR-SECTIO
    N OF SQLRT
384                     PERFORM ZZ000-SQL-ERROR
```

```
893
894
895
896
897

898
899
900                 IF RTNCD-ERROR OF SQLRT
901
902                     MOVE 'FETCH-TAX-BAL(DISC)'  TO
    ERR-SECTION OF SQLRT
903                     PERFORM ZZ000-SQL-ERROR
904                 END-IF
905             ELSE
906                 IF RTNCD-ERROR OF SQLRT
907
908                     MOVE 'FETCH-TAX-BAL'  TO  ERR-SECTIO
    N OF SQLRT
909                     PERFORM ZZ000-SQL-ERROR
910                 ELSE
```

```
368
369
370
371
372

373
374
375                 IF RTNCD-ERROR OF SQLRT
376
377                     MOVE 'FETCH-CMPAY(DISC)'  TO  ERR-SECTIO
    N OF SQLRT
378                     PERFORM ZZ000-SQL-ERROR
379                 END-IF
380             ELSE
381                 IF RTNCD-ERROR OF SQLRT
382
383                     MOVE 'FETCH-CMPAY'  TO  ERR-SECTIO
    N OF SQLRT
384                     PERFORM ZZ000-SQL-ERROR
```

PSPTARRY.cbl

RSPCMPAY.cbl

OREX_0175 at 29

ORACLE

Rimini Street®

```
882       *                                                              *
883        GD000-FETCH-TAX-BAL SECTION.
884        GD000.
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900                IF RTNCD-ERROR OF SQLRT
901
902                   MOVE 'FETCH TAX BAL(DISC)' TO
       ERR-SECTION OF SQLRT
903                   PERFORM ZZ000-SQL-ERROR
904                END-IF
905             ELSE
906                IF RTNCD-ERROR OF SQLRT
907
908                   MOVE 'FETCH TAX BAL' TO ERR-SECTIO
       N OF SQLRT
909                   PERFORM ZZ000-SQL-ERROR
910                ELSE
```

```
357       *                                                              *
358        GD000-FETCH-CMPAY SECTION.
359        GD000.
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375                IF RTNCD-ERROR OF SQLRT
376
377                   MOVE 'FETCH CMPAY(DISC)' TO ERR-SECTIO
       N OF SQLRT
378                   PERFORM ZZ000-SQL-ERROR
379                END-IF
380             ELSE
381                IF RTNCD-ERROR OF SQLRT
382
383                   MOVE 'FETCH CMPAY' TO ERR-SECTIO
       N OF SQLRT
384                   PERFORM ZZ000-SQL-ERROR
```

PSPTARRY.cbl

RSPCMPAY.cbl

OREX_0175 at 29

ORACLE

Rimini Street®

```
882     *                                                               *
883          GD000-FETCH-TAX-BAL SECTION.
884          GD000.
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910               ELSE
```

PSPTARRY.cbl

```
357     *                                                               *
358          GD000-FETCH-CMPAY SECTION.
359          GD000.
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
```

RSPCMPAY.cbl

OREX_0175 at 29

The Proper Analysis

1 Conduct Analytic Dissection to determine: Are any "matching" portions protectable?

NO → No Violation

YES

2 **Are any protected "matching" portions a substantial portion of the copyrighted work?**

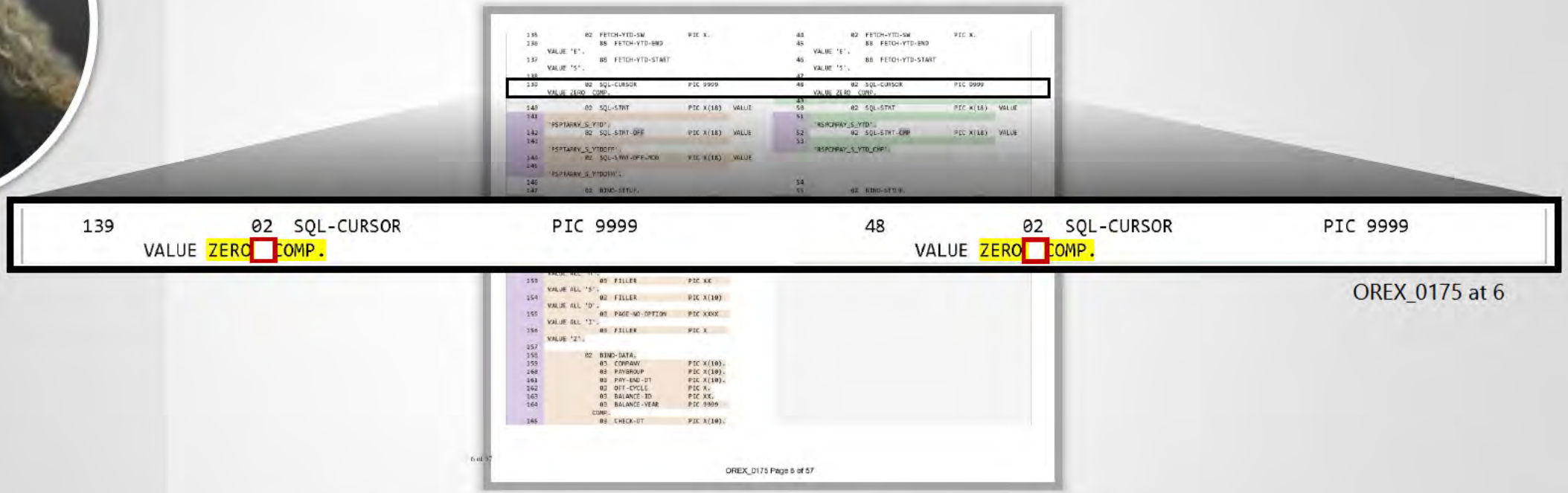
NO → No Violation

Even If Protectable, Not Substantial

- Less than 1% of a single Oracle file
- One of approximately 49,000 files in PeopleSoft
- Not qualitatively important

Spacing Does NOT Indicate Copying

Frederiksen-Cross: Two spaces between certain words in both files



```
139            02  SQL-CURSOR                  PIC 9999
       VALUE ZERO  COMP.

48             02  SQL-CURSOR                  PIC 9999
       VALUE ZERO  COMP.
```

OREX_0175 at 6

Therefore, Rimini must have "copied" Oracle code.

Frederiksen-Cross Post-Inj. Rpt. at ¶ 191

Spacing Does NOT Indicate Copying

- Both files use a combination of different spacing
- Rimini often used two spaces around "TO" in portions of the code that are not alleged to be copied

Spacing Does NOT Indicate Copying

```
/*****************************************************************
*                                                                *
 DB000-SELECT-PRVCHKS SECTION.
 DB000.
*                                                                *
*****************************************************************

     MOVE EMPLID OF RSLNK
       TO EMPLID OF BIND-DATA OF S-PRVCHKS
     MOVE PAY-END-DT OF RSLNK
       TO PAY-END-DT OF BIND-DATA OF S-PRVCHKS

     SET FETCH-PRVCHK-START OF S-PRVCHKS  TO  TRUE

     IF FETCH-PRVCHK-START OF S-PRVCHKS

        CALL 'PTPSQLRT' USING   ACTION-SELECT OF SQLRT
                                SQLRT
                                SQL-CURSOR     OF S-PRVCHKS
                                SQL-STMT       OF S-PRVCHKS
                                BIND-SETUP     OF S-PRVCHKS
                                BIND-DATA      OF S-PRVCHKS
                                SELECT-SETUP   OF S-PRVCHKS
                                SELECT-DATA    OF S-PRVCHKS
     END-IF

     IF RTNCD-ERROR OF SQLRT

         MOVE 'SELECT-PRVCHKS'  TO  ERR-SECTION OF SQLRT
         PERFORM ZZ000-SQL-ERROR
     END-IF

     PERFORM HD000-FETCH-PRVCHKS

     .
 SELECT-PRVCHKS-EXIT.
```

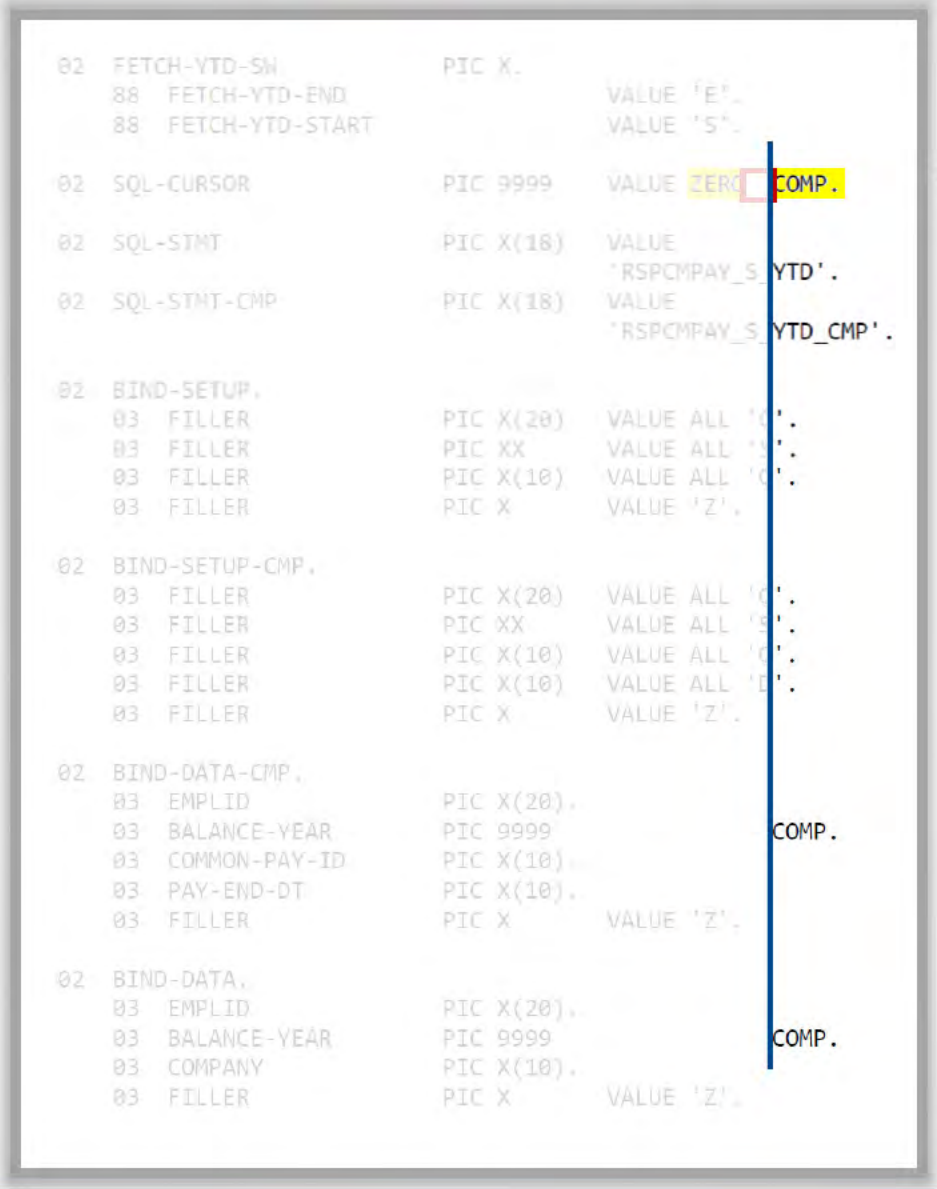
DTX-0501-007

"Select-Prvchks" section of Rimini file

No corresponding Oracle code

Two spaces on each side of "TO"

Spacing Does NOT Indicate Copying

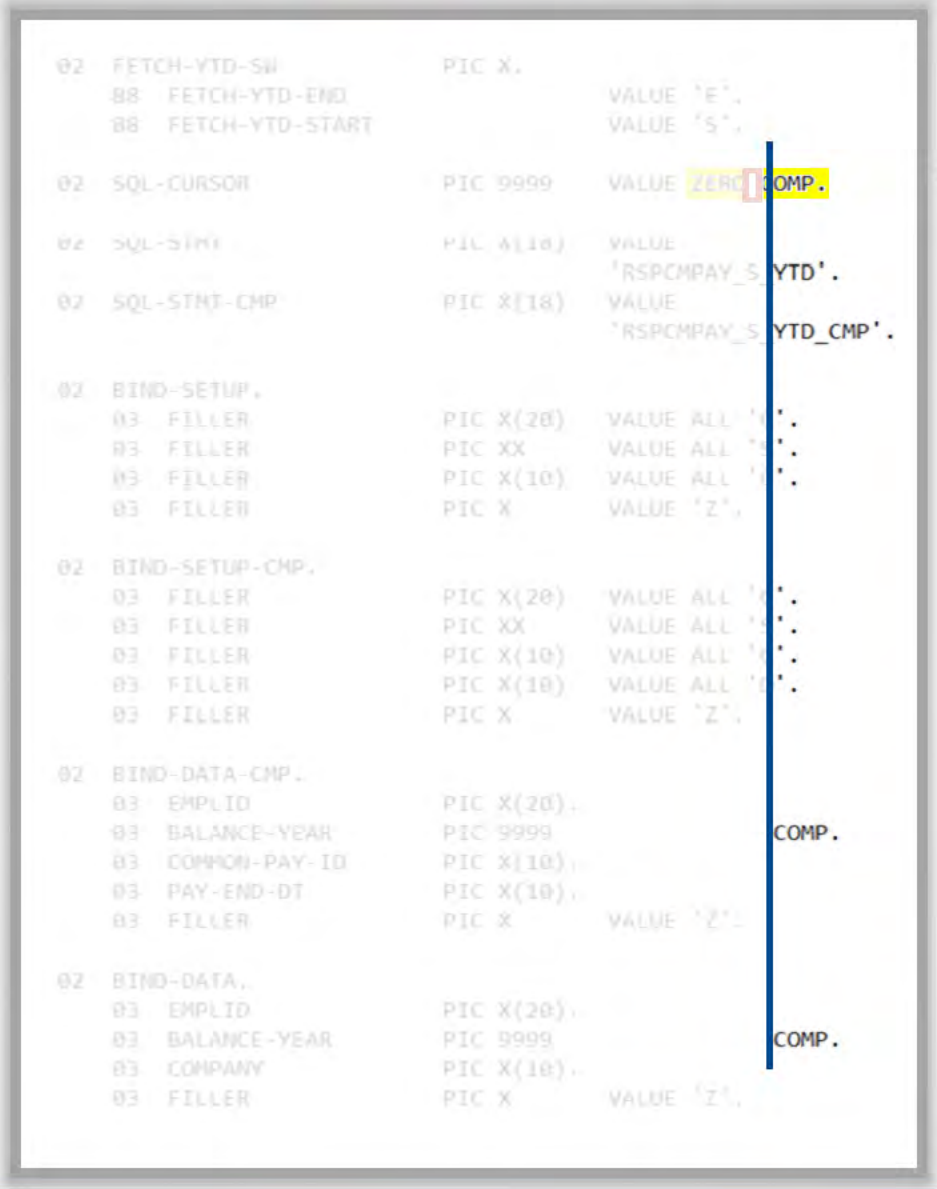


```
02  FETCH-YTD-SW              PIC X.
    88  FETCH-YTD-END                  VALUE 'E'.
    88  FETCH-YTD-START                VALUE 'S'.

02  SQL-CURSOR               PIC 9999  VALUE ZERO  COMP.

02  SQL-STMT                 PIC X(18) VALUE
                                       'RSPCMPAY_S_YTD'.
02  SQL-STMT-CMP             PIC X(18) VALUE
                                       'RSPCMPAY_S_YTD_CMP'.

02  BIND-SETUP.
    03  FILLER               PIC X(20) VALUE ALL '0'.
    03  FILLER               PIC XX    VALUE ALL 'S'.
    03  FILLER               PIC X(10) VALUE ALL '0'.
    03  FILLER               PIC X     VALUE 'Z'.

02  BIND-SETUP-CMP.
    03  FILLER               PIC X(20) VALUE ALL '0'.
    03  FILLER               PIC XX    VALUE ALL 'S'.
    03  FILLER               PIC X(10) VALUE ALL '0'.
    03  FILLER               PIC X(10) VALUE ALL '0'.
    03  FILLER               PIC X     VALUE 'Z'.

02  BIND-DATA-CMP.
    03  EMPLID               PIC X(20).
    03  BALANCE-YEAR         PIC 9999                COMP.
    03  COMMON-PAY-ID        PIC X(10).
    03  PAY-END-DT           PIC X(10).
    03  FILLER               PIC X     VALUE 'Z'.

02  BIND-DATA.
    03  EMPLID               PIC X(20).
    03  BALANCE-YEAR         PIC 9999                COMP.
    03  COMPANY              PIC X(10).
    03  FILLER               PIC X     VALUE 'Z'.
```

← two spaces

DTX-0501 (with original spacing)

Spacing Does NOT Indicate Copying



```
02  FETCH-YTD-SW              PIC X.
    88  FETCH-YTD-END                  VALUE 'E'.
    88  FETCH-YTD-START                VALUE 'S'.

02  SQL-CURSOR               PIC 9999    VALUE ZERO COMP.

02  SQL-STMT                 PIC X(18)   VALUE
                                         'RSPCMPAY_S_YTD'.
02  SQL-STMT-CMP             PIC X(18)   VALUE
                                         'RSPCMPAY_S_YTD_CMP'.

02  BIND-SETUP.
    03  FILLER               PIC X(20)   VALUE ALL '1'.
    03  FILLER               PIC XX      VALUE ALL '2'.
    03  FILLER               PIC X(10)   VALUE ALL '3'.
    03  FILLER               PIC X       VALUE 'Z'.

02  BIND-SETUP-CMP.
    03  FILLER               PIC X(20)   VALUE ALL '1'.
    03  FILLER               PIC XX      VALUE ALL '2'.
    03  FILLER               PIC X(10)   VALUE ALL '3'.
    03  FILLER               PIC X(10)   VALUE ALL '4'.
    03  FILLER               PIC X       VALUE 'Z'.

02  BIND-DATA-CMP.
    03  EMPLID               PIC X(20).
    03  BALANCE-YEAR         PIC 9999                COMP.
    03  COMMON-PAY-ID        PIC X(10).
    03  PAY-END-DT           PIC X(10).
    03  FILLER               PIC X       VALUE 'Z'.

02  BIND-DATA.
    03  EMPLID               PIC X(20).
    03  BALANCE-YEAR         PIC 9999                COMP.
    03  COMPANY              PIC X(10).
    03  FILLER               PIC X       VALUE 'Z'.
```

← one space

Demonstrative based on DTX-0501
(edited to remove double space)

Issue 5: Conclusions

- "Matching" is an unreliable methodology
- The files have substantially different functionality
- The "Matches" are not protectable
- The "Matches" are *de minimis* and not substantial
- The Rimini and Oracle files are not substantially similar

- Issue 1: Isolated PeopleSoft files sent by clients
- Issue 5: RSPCMPAY.cbl
- **Issue 9: JDE105328 Technical Specification**
- Derivative Works and "Cross Use"

Issue 3: W-2 update for Johnson Controls

Issue 4: rsi940a.sqr update for Smead and Spherion

Issue 6: 1099 Update for Easter Seals

Issue 10: rsiqtrtx.sqr update for Rockefeller Group and Home Shopping Network

Issue 9: Conclusions

- These are markers, not copied lines of code
- Not substantially similar

- Issue 1: Isolated PeopleSoft files sent by clients
- Issue 5: RSPCMPAY.cbl
- Issue 9: JDE105328 Technical Specification
- **Derivative Works and "Cross Use"**
  - Issue 3: W-2 update for Johnson Controls
  - Issue 4: rsi940a.sqr update for Smead and Spherion
  - Issue 6: 1099 Update for Easter Seals
  - Issue 10: rsiqtrtx.sqr update for Rockefeller Group and Home Shopping Network

Permanent Injunction Order

4. Rimini Street shall not reproduce, prepare derivative works from, or use a specific licensee's PeopleSoft software or documentation other than to support the specific licensee's own internal data processing operations;

ECF No. 1166, ¶ 4

Analysis of whether a violation has occurred:

1. There must be a reproduction or derivative work of Oracle software.
2. If there is a reproduction or derivative work of Client A's Oracle software, determine whether this was solely to support Client A or to support some other client.

Derivative Work

A derivative work is a work that:

(1) substantially incorporates protected material from a preexisting copyrighted work; and

(2) exists in a concrete or permanent form.

Summary of Opinions

- Ms. Frederiksen-Cross's "cross-use" theories are overbroad
- Restricts Rimini's use of its own know-how and work product

- Issue 1: Isolated PeopleSoft files sent by clients
- Issue 5: RSPCMPAY.cbl
- Issue 9: JDE105328 Technical Specification
- **Derivative Works and "Cross Use"**
  - **Issue 3: W-2 update for Johnson Controls**
  - Issue 4: rsi940a.sqr update for Smead and Spherion
  - Issue 6: 1099 Update for Easter Seals
  - Issue 10: rsiqtrtx.sqr update for Rockefeller Group and Home Shopping Network

W-2 Print Issue

Form **W-2 Wages and Tax Statement 2018**

OMB No. 1545-0008

C Employer's name, address, and ZIP code

ABC Corp.
100 ABC ROAD
ABC NM 09999-0009

e Employee's name, address, and ZIP code

7 Social security tips	1 Wages, tips, other compensation: 9999999.99	2 Federal income tax withheld: 999999.99
8 Allocated tips	3 Social security wages: 999999.99	4 Social security tax withheld: 9999.99
9 Verification Code	5 Medicare wages and tips: 9999999.99	6 Medicare tax withheld: 99999.99
10 Dependent care benefits	11 Nonqualified plans	12a
B Employer identification number (EIN)	14 Nonqualified plans: FLI 99	12b
B Employee Social Security Number	UI/WF/S 999	12c
employee / plan / Third-party sick pay	DI 99	12d

15 State	Employer's state ID number	16 State wages, tips, etc.	17 State income tax	18 Local wages, tips, etc.	19 Local income tax	20 Locality name
NM	999999999999	9999999.99	999999.99			

Copy 2 – To Be Filed With Employee's State, City, or Local Income Tax Return

Dept. of the Treasury - IRS

Demonstrative based on Exhibit DTX-0306

Text cut off

W-2 Update

Barbara Frederiksen-Cross

70. I discussed one of these examples in paragraph 274 of my Opening Report. I explained that "in an email entitled 'RE: [PeopleSoft - Johnson Controls, Inc.]P2 - Production Impacted Case # 00161783 , W2 Printing for Box 14 - xmlp is off,' sent January 24, 2019, customer JHN had evidently asked for help with their W-2s. Rimini employee Don Sheffield notes that Rimini has created a workable version to a similar problem for customer HCR, which he suggests they can just give to JHN. Sheffield then states that he tested the proposed solution 'here locally on COEX.' He does not state that he tested it in JHN." In support of this opinion I relied on RSI007421994, which I understand to be Exhibit 20 to the Appendix of Exhibits.

ORACLE USA, INC., a Colorado corporation; ORACLE AMERICA, INC., a Delaware corporation; and ORACLE INTERNATIONAL CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation; and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-VCF

DECLARATION OF BARBARA ANN FREDERIKSEN-CROSS IN SUPPORT OF ORACLE'S MOTION FOR ORDER TO SHOW CAUSE WHY RIMINI STREET, INC. SHOULD NOT BE HELD IN CONTEMPT

FILED UNDER SEAL

DECLARATION OF BARBARA ANN FREDERIKSEN-CROSS IN SUPPORT OF ORACLE'S MOTION FOR ORDER TO SHOW CAUSE

July 10, 2020 Frederiksen-Cross Declaration, ¶ 70

W-2 Update Not Cross-Use

- Ms. Frederiksen-Cross ignores that COE was one of many clients affected by the bug. Testing the solution to the bug in COE's environment for COE is not cross-use.
- The solution was tested specifically for JHN in JHN's environment.

Re-use of Know-How

City of Eugene

Oracle PeopleSoft Files

Rimini engineer types "B999999.99" to fix

Johnson Controls

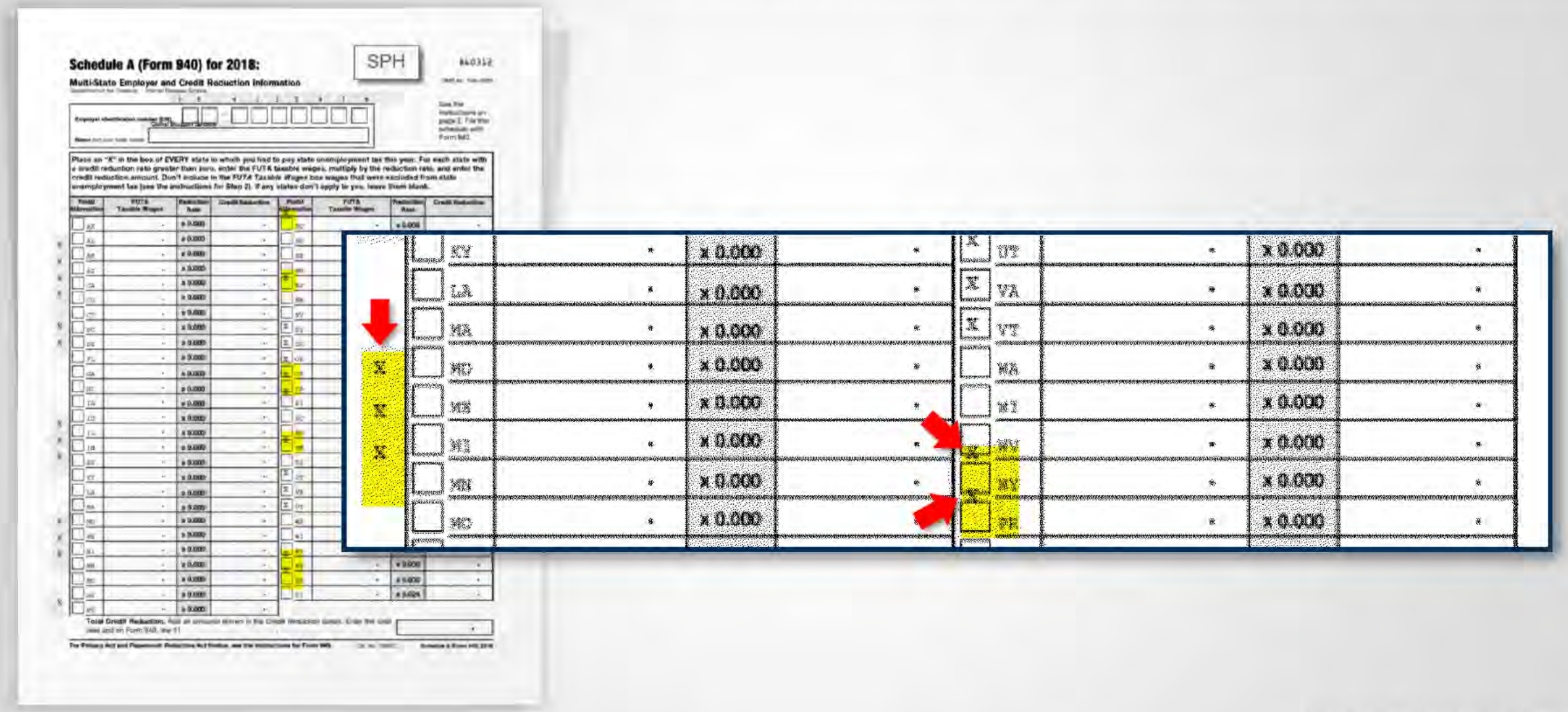
Oracle PeopleSoft Files

Rimini engineer instructs Johnson Controls to type "B999999.99" to fix

Rimini Street

- Issue 1: Isolated PeopleSoft files sent by clients
- Issue 5: RSPCMPAY.cbl
- Issue 9: JDE105328 Technical Specification
- **Derivative Works and "Cross Use"**
  - Issue 3: W-2 update for Johnson Controls
  - **Issue 4: rsi940a.sqr update for Smead and Spherion**
  - Issue 6: 1099 Update for Easter Seals
  - Issue 10: rsiqtrtx.sqr update for Rockefeller Group and Home Shopping Network

Schedule A (IRS Form 940) – Alignment Issues



DTX-0415-002–03; DTX-0421-015

Barbara Frederiksen-Cross

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

ORACLE USA, INC.; a
ORACLE AMERICA,
corporation; and ORAC
CORPORATION, a Ca

Plaintiffs,

v.

RIMINI STREET, INC
CORPORATION; AN
INDIVIDUAL,

Defendants.

Corrected

275. In a separate example, Tim Pringle tells Jim Benge that customers SPH and SME (neither of which are on Windstream) are having problems with their 940 A gif file and that he wants to provide an informal update once fixed.[283] Sheffield then makes a change to rsi940.sqr, says he completed testing in COE, and sent the fix to all US clients in scope.[284] Then Pringle states he wants to provide the file to SPH and SME in an informal release, discussed below.

Frederiksen-Cross Post-Inj. Rpt., ¶ 275

Corrected Post-Injunction Expert Report of Barbara Frederiksen-Cross
HIGHLY CONFIDENTIAL INFORMATION—ATTORNEYS' EYES ONLY

Rsi940a Update Was Not Cross Use

- The update was entirely Rimini work product – no Oracle copyrighted expression.
- Many clients, including COE were slated to receive the update. Testing in COE's environment was for COE.

Rimini Update Files

```
!***********************************************************************
! RSI940A:  Print Addendum entry for TAX940A                           *
!***********************************************************************
!***********************************************************************
! Rimini Street Modification Log                                       *
!                                                                      *
! 02/23/2012 RSI-HCM102632  v1.0                                       *
! Descr: Created new RSITAX940A SQR to print the Addendum for TAX940A  *
!                                                                      *
! 03/22/2013 RSI-HCM103334  v2.0                                       *
! Descr: Changing process instance variable mask to accomodate upto    *
!        10 digits                                                     *
!                                                                      *
! 03/22/2013 RSI-HCM103542  v3.0                                       *
! Descr: Modified the program to make it compatibile with 9.1 release  *
!        Include the custom procedure to read output location          *
!                                                                      *
! 12/04/2014 RSI-HCM104214  v4.0                                       *
! Descr: Modified the program to use updated form image files for      *
!        2013 and 2014. These new JPG files were created using         *
!        Photo Shop software for a more consistent image.              *
!                                                                      *
! 12/08/2015 RSI-HCM105375  v5.0                                       *
! Descr: Modified for 2015, and to add the ability to print            *
!        graphic types other than JPEG.                                *
!                                                                      *
! 12/08/2016 RSI-HCM105857  v6.0                                       *
! Descr: Modified for 2016, for all tax years greater than 2014,       *
!        use a GIF image file.                                         *
!                                                                      *
! 01/05/2018 RSI-HCM106720  v7.1                                       *
! Descr: Modified for 2017, print EIN and Name one line lower,         *
!        use a GIF image file.                                         *
!                                                                      *
! 01/24/2019 RSI-HCM200849  v8.0                                       *
! Descr: Modified for 2018, modified print alignment for 2018          *
!        GIF image file.                                               *
!                                                                      *
!***********************************************************************

#include 'setenv.sqc'      ! Set Environment Procedure
#include 'rsicdver.sqc'    ! Client Specific PeopleSoft Application Information
#include 'setup31.sqc'     ! Printer and page-size initialization
#include 'usarpt.sqc'      ! USA-specific variables

!***********************************************************************
! Procedure: Setup                                                     *
!***********************************************************************
Begin-Setup
  #Define Prgm_Ver '8.0'          !Corresponds to Modification History above.
  #Define Page_Max_Lines 81
  #Define Page_Max_Cols  125
  #define LINE_HEIGHT 10
  #Define ImgWidth      123
  #Define ImgHeight     80

  Declare-Report PRINTFORMS
```

DTX-0419-002

Schedule A (Form 940) for 2018: 860312

Multi-State Employer and Credit Reduction Information

Department of the Treasury — Internal Revenue Service

Employer identification number (EIN) ☐☐-☐☐☐☐☐☐☐

Name (not your trade name)

See the instructions on page 2. File this schedule with Form 940.

Place an "X" in the box of EVERY state in which you had to pay state unemployment tax this year. For each state with a credit reduction rate greater than zero, enter the FUTA taxable wages, multiply by the reduction rate, and enter the credit reduction amount. Don't include in the *FUTA Taxable Wages* box wages that were excluded from state unemployment tax (see the instructions for Step 2). If any states don't apply to you, leave them blank.

Postal Abbreviation	FUTA Taxable Wages	Reduction Rate	Credit Reduction	Postal Abbreviation	FUTA Taxable Wages	Reduction Rate	Credit Reduction
☐ AK	.		.	☐ NC	.		.
☐ AL	.		.	☐ ND	.		.
☐ AR	.		.	☐ NE	.		.
☐ AS	.		.	☐ NH	.		.
☐ AZ	.		.	☐ NJ	.		.
☐ CA	.		.	☐ NM	.		.
☐ CO	.		.	☐ NV	.		.
☐ CT	.		.	☐ NY	.		.
☐ DC	.		.	☐ OH	.		.
☐ DE	.		.	☐ OK	.		.
☐ FL	.		.	☐ OR	.		.
☐ GA	.		.	☐ PA	.		.
☐ GU	.		.	☐ PR	.		.
☐ HI	.		.	☐ RI	.		.
☐ IA	.		.	☐ SC	.		.
☐ ID	.		.	☐ SD	.		.
☐ IL	.		.	☐ TN	.		.
☐ IN	.		.	☐ TX	.		.
☐ KS	.		.	☐ UT	.		.
☐ KY	.		.	☐ VA	.		.
☐ LA	.		.	☐ VI	.		.
☐ MA	.		.	☐ VT	.		.
☐ MD	.		.	☐ WA	.		.
☐ ME	.		.	☐ WI	.		.
☐ MI	.		.	☐ WV	.		.
☐ MN	.		.	☐ WY	.		.
☐ MO	.		.				
☐ MS	.		.				
☐ MT	.		.				

Total Credit Reduction. Add all amounts shown in the *Credit Reduction* boxes. Enter the total here and on Form 940, line 11 .

For Privacy Act and Paperwork Reduction Act Notice, see the instructions for Form 940. Cat. No. 11977G Schedule A (Form 940) 2018

DTX-0417-001

Instructions for Schedule A (Form 940) for 2018: 860412

Multi-State Employer and Credit Reduction Information

Specific Instructions: Completing Schedule A

Step 1. Place an "X" in the box of every state (including the District of Columbia, Puerto Rico, and the U.S. Virgin Islands) in which you had to pay state unemployment taxes this year, even if the state's credit reduction rate is zero.

Note: Make sure that you have applied for a state reporting number for your business. If you don't have an unemployment account in a state in which you paid wages, contact the state unemployment agency to receive one. For a list of state unemployment agencies, visit the U.S. Department of Labor's website at https://oui.doleta.gov/unemploy/agencies.asp.

The table below provides the two-letter postal abbreviations used on Schedule A.

State	Postal Abbreviation	State	Postal Abbreviation
Alabama	AL	Montana	MT
Alaska	AK	Nebraska	NE
Arizona	AZ	Nevada	NV
Arkansas	AR	New Hampshire	NH
California	CA	New Jersey	NJ
Colorado	CO	New Mexico	NM
Connecticut	CT	New York	NY
Delaware	DE	North Carolina	NC
District of Columbia	DC	North Dakota	ND
Florida	FL	Ohio	OH
Georgia	GA	Oklahoma	OK
Hawaii	HI	Oregon	OR
Idaho	ID	Pennsylvania	PA
Illinois	IL	Rhode Island	RI
Indiana	IN	South Carolina	SC
Iowa	IA	South Dakota	SD
Kansas	KS	Tennessee	TN
Kentucky	KY	Texas	TX
Louisiana	LA	Utah	UT
Maine	ME	Vermont	VT
Maryland	MD	Virginia	VA
Massachusetts	MA	Washington	WA
Michigan	MI	West Virginia	WV
Minnesota	MN	Wisconsin	WI
Mississippi	MS	Wyoming	WY
Missouri	MO	Puerto Rico	PR
		U.S. Virgin Islands	VI

Step 2. You're subject to credit reduction if you paid FUTA taxable wages that were also subject to state unemployment taxes in any state listed that has a credit reduction rate greater than zero.

If you paid FUTA taxable wages that were also subject to state unemployment taxes in any state that is subject to credit reduction, find the line for each state.

In the *FUTA Taxable Wages* box, enter the total FUTA taxable wages that you paid in that state. (The FUTA wage base for all states is $7,000.) However, don't include in the *FUTA Taxable Wages* box wages that were excluded from state unemployment tax. For example, if you paid $5,000 in FUTA taxable wages in a credit reduction state but $1,000 of those wages were excluded from state unemployment tax, report $4,000 in the *FUTA Taxable Wages* box for that state.

Note: Don't enter your state unemployment wages in the *FUTA Taxable Wages* box.

Then multiply the total FUTA taxable wages by the reduction rate.

Enter your total in the *Credit Reduction* box at the end of the line.

Step 3. Total credit reduction

To calculate the total credit reduction, add up all of the *Credit Reduction* boxes and enter the amount in the *Total Credit Reduction* box.

Then enter the total credit reduction on Form 940, line 11.

Example 1

You paid $39,000 in wages to each of three employees in State A. State A is subject to credit reduction at a rate of 0.003 (.3%). Because you paid wages in a state that is subject to credit reduction, you must complete Schedule A and file it with Form 940.

Total payments to all employees in state A	$90,000
Payments exempt from FUTA tax (see the instructions for Form 940)	$0
Total payments made to each employee in excess of $7,000 (3 x ($39,000 - $7,000))	$39,000
Total FUTA taxable wages you paid in State A entered in the *FUTA Taxable Wages* box ($90,000 - $0 - $39,000)	$21,000
Credit reduction rate for State A	0.003
Total credit reduction for State A ($21,000 x 0.003)	$63

CAUTION

Don't include in the FUTA Taxable Wages box wages in excess of the $7,000 wage base for each employee subject to state unemployment insurance in the credit reduction state. The credit reduction applies only to FUTA taxable wages that were also subject to state unemployment tax.

In this case, you would write $63.00 in the *Total Credit Reduction* box and then enter that amount on Form 940, line 11.

Example 2

You paid $48,000 ($4,000 a month) in wages to Mary Smith and no payments were exempt from FUTA tax. Mary worked in State B (not subject to credit reduction) in January and then transferred to State C (subject to credit reduction) on February 1. Because you paid wages in more than one state, you must complete Schedule A and file it with Form 940.

The total payments in State B that aren't exempt from FUTA tax are $4,000. Since this payment to Mary doesn't exceed the $7,000 FUTA wage base, the total FUTA taxable wages paid in State B are $4,000.

The total payments in State C that aren't exempt from FUTA tax are $44,000. However, $4,000 of FUTA taxable wages was paid in State B with respect to Mary. Therefore, the total FUTA taxable wages with respect to Mary in State C are $3,000 ($7,000 (FUTA wage base) - $4,000 (total FUTA taxable wages paid in State B)). Enter $3,000 in the *FUTA Taxable Wages* box, multiply it by the *Reduction Rate*, and then enter the result in the *Credit Reduction* box.

Attach Schedule A to Form 940 when you file your return.

Page 2

DTX-0418-001

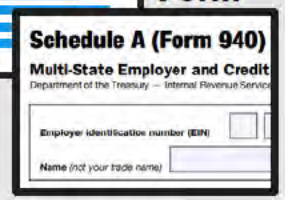
City of Eugene

Oracle PeopleSoft Files

Rimini Code

rsi940a.sqr

IRS Form

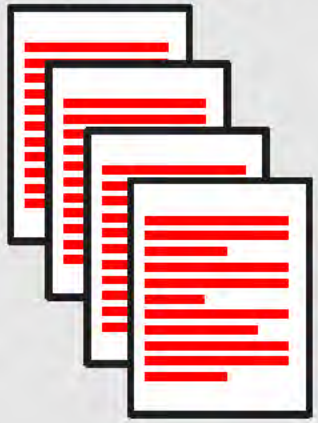


Spherion

Oracle PeopleSoft Files

Smead

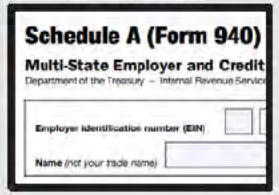
Oracle PeopleSoft Files

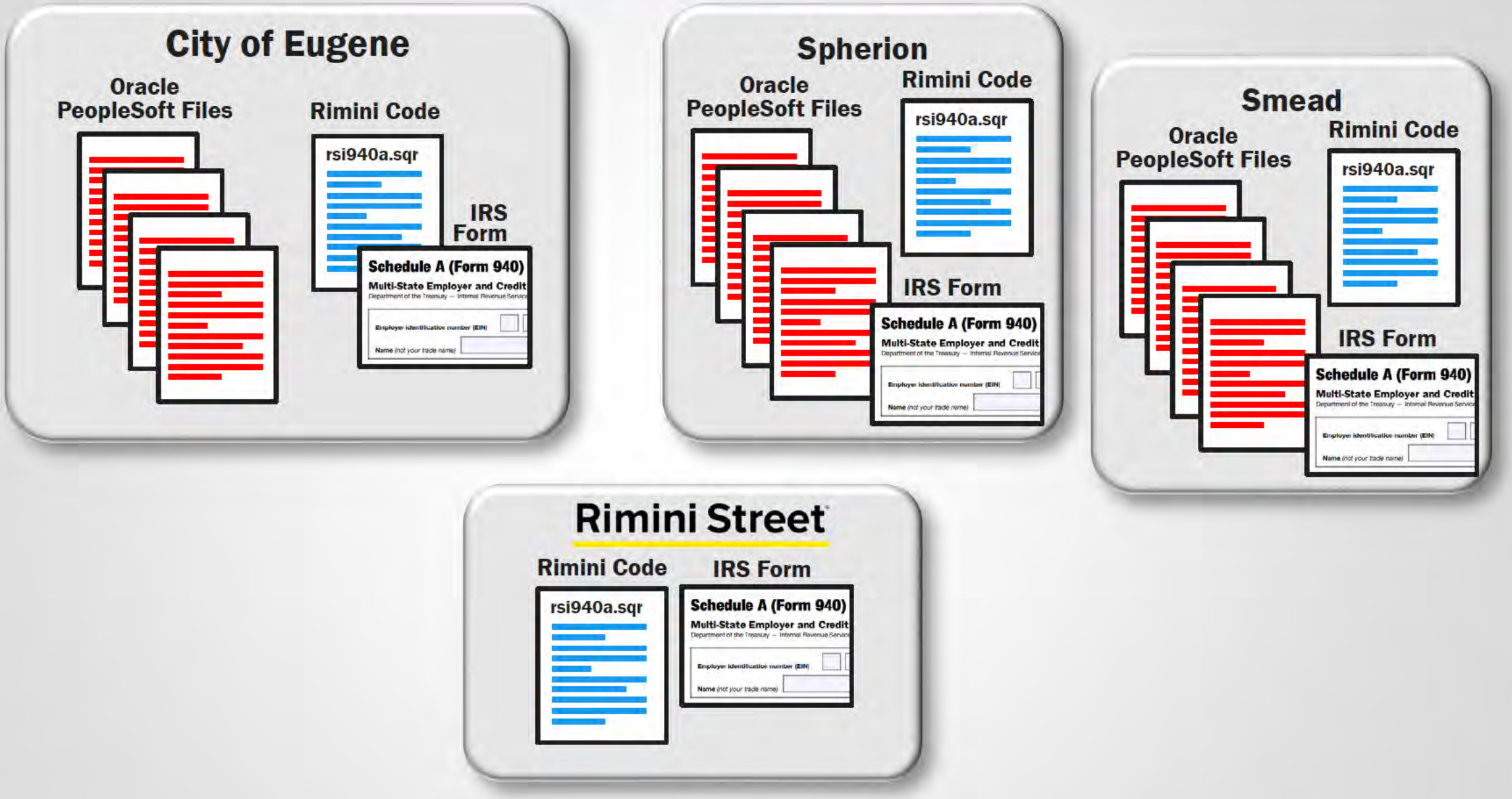


Rimini Street

Rimini Code

IRS Form




City of Eugene
Oracle PeopleSoft Files
Rimini Code
rsi940a.sqr
IRS Form
Schedule A (Form 940)
Multi-State Employer and Credit
Spherion
Oracle PeopleSoft Files
Rimini Code
rsi940a.sqr
IRS Form
Schedule A (Form 940)
Multi-State Employer and Credit
Smead
Oracle PeopleSoft Files
Rimini Code
rsi940a.sqr
IRS Form
Schedule A (Form 940)
Multi-State Employer and Credit
Rimini Street
Rimini Code
rsi940a.sqr
IRS Form
Schedule A (Form 940)
Multi-State Employer and Credit

January 25, 2019
Don Sheffield modifies Rimini-created files and tests them in COE's development environment for COE.
OREX-0021 at 2

January 25, 2019
Don Sheffield sends Rimini-created files to US clients "that will ultimately get this update."
OREX-0021 at 2-3

January 28, 2019
Rimini business analyst determines update will not be delivered to all clients for tax law reason.
DTX-0407-001

- Issue 1: Isolated PeopleSoft files sent by clients
- Issue 5: RSPCMPAY.cbl
- Issue 9: JDE105328 Technical Specification
- **Derivative Works and "Cross Use"**
  - Issue 3: W-2 update for Johnson Controls
  - Issue 4: rsi940a.sqr update for Smead and Spherion
  - **Issue 6: 1099 Update for Easter Seals**
  - Issue 10: rsiqtrtx.sqr update for Rockefeller Group and Home Shopping Network

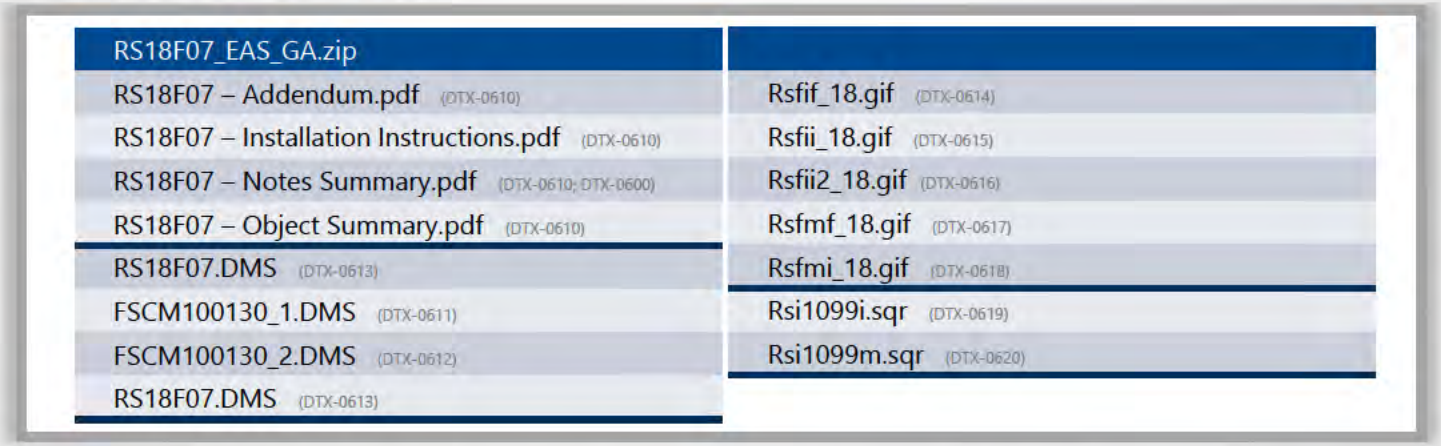
1099 Update - Issue

On January 4, 2019, Rimini sent Easter Seals of New Hampshire an email attaching the zip file "RS18F07_EAS_GA"

Frederiksen-Cross: "Because this update was specifically tailored to operate only with and modify Oracle's PeopleSoft Software … it is my opinion that this update comprises a **derivative work**."

Frederiksen-Cross Post-Inj. Rpt., ¶ 327 (emphasis added)

From: Jeanie Ong
To: Jay Hoyt; Software Solutions
Sent: 1/3/2019 10:58:23 PM
Subject: RE: Redelivery of 1099 Update RS18F07 for Easter Seals New Hampshire, Inc.
Attachments: RS18F07 EAS_GA.zip.txt



Hi Jay,
I have attached the 1099 update to this email. Remove the ".txt'' extension after you download the file and unzip it. The instructions for installation are included. The major change this year is the box 7 vendors, so please read through all of the documentation to understand whether you need the changes for box 7 vendors. Please let me know if you have any questions.
Kind Regards,
Jeanie
****

Jeanie Ong
Sr. PeopleSoft Support Engineer
Rimini Street. Inc.

Demonstrative based on DTX-0610-001

RS18F07_EAS_GA.zip	
RS18F07 – Addendum.pdf	(DTX-0610)
RS18F07 – Installation Instructions.pdf	(DTX-0610)
RS18F07 – Notes Summary.pdf	(DTX-0610; DTX-0600)
RS18F07 – Object Summary.pdf	(DTX-0610)
RS18F07.DMS	(DTX-0613)
FSCM100130_1.DMS	(DTX-0611)
FSCM100130_2.DMS	(DTX-0612)
RS18F07.DMS	(DTX-0613)
Rsfif_18.gif	(DTX-0614)
Rsfii_18.gif	(DTX-0615)
Rsfii2_18.gif	(DTX-0616)
Rsfmf_18.gif	(DTX-0617)
Rsfmi_18.gif	(DTX-0618)
Rsi1099i.sqr	(DTX-0619)
Rsi1099m.sqr	(DTX-0620)

RS18F07_EAS_GA.zip

RS18F07 – Addendum.pdf (DTX-0610)

RS18F07 – Installation Instructions.pdf (DTX-0610)

RS18F07 – Notes Summary.pdf (DTX-0610; DTX-0600)

RS18F07 – Object Summary.pdf (DTX-0610)

RS18F07.DMS

FSCM100130_1.DMS

FSCM100130_2.DMS

RS18F07.DMS

Rsfif_18.gif

Rsfil_18.gif

Rsfii2_18.gif

Rsfmf_18.gif

Rsfmi_18.gif

Rsi1099i.sqr

Rsi1099m.sqr

← Client documentation explaining the RS0718 bundle + instructions

RS18F07_EAS_GA.zip

RS18F07 – Addendum.pdf
RS18F07 – Installation Instructions.
RS18F07 – Notes Summary.pdf
RS18F07 – Object Summary.pdf

RS18F07.DMS (DTX-0613)
FSCM100130_1.DMS (DTX-0611)
FSCM100130_2.DMS (DTX-0612)
RS18F07.DMS (DTX-0613)

Rsfif_18.gif
Rsfil_18.gif
Rsfii2_18.gif
Rsfmf_18.gif
Rsfmi_18.gif

Rsi1099i.sqr
Rsi1099m.sqr

← Rimini-written scripts to update vendor tables

- DataMover scripts
- No Oracle copyrighted material

RS18F07_EAS_GA.zip

RS18F07 – Addendum.pdf
RS18F07 – Installation Instructions.
RS18F07 – Notes Summary.pdf
RS18F07 – Object Summary.pdf

RS18F07.DMS
FSCM100130_1.DMS
FSCM100130_2.DMS
RS18F07.DMS

Rsfif_18.gif (DTX-0614)
Rsfii_18.gif (DTX-0615)
Rsfii2_18.gif (DTX-0616)
Rsfmf_18.gif (DTX-0617)
Rsfmi_18.gif (DTX-0618)

Rsi1099i.sqr
Rsi1099m.sqr

← 1099-INT form
← 1099-INT instructions
← 1099-INT instructions (cont.)
← 1099-MISC form
← 1099-MISC instructions

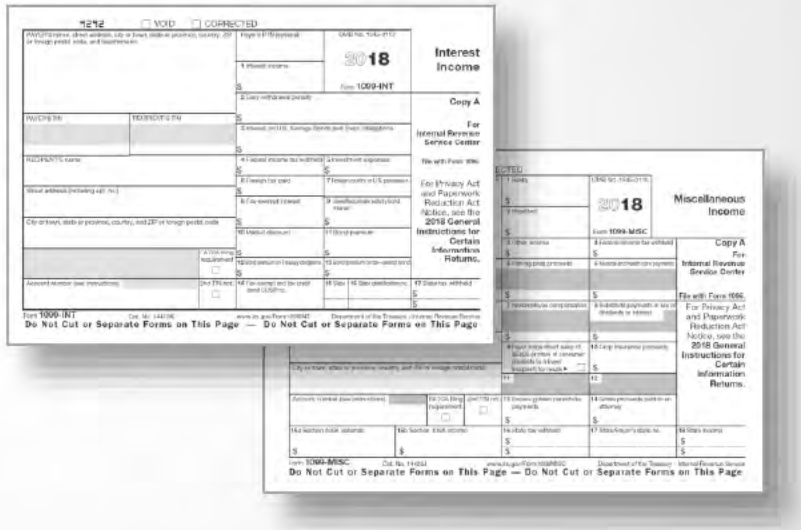
RS18F07_EAS_GA.zip

RS18F07 – Addendum.pdf
RS18F07 – Installation Instructions.
RS18F07 – Notes Summary.pdf
RS18F07 – Object Summary.pdf

RS18F07.DMS
FSCM100130_1.DMS
FSCM100130_2.DMS
RS18F07.DMS

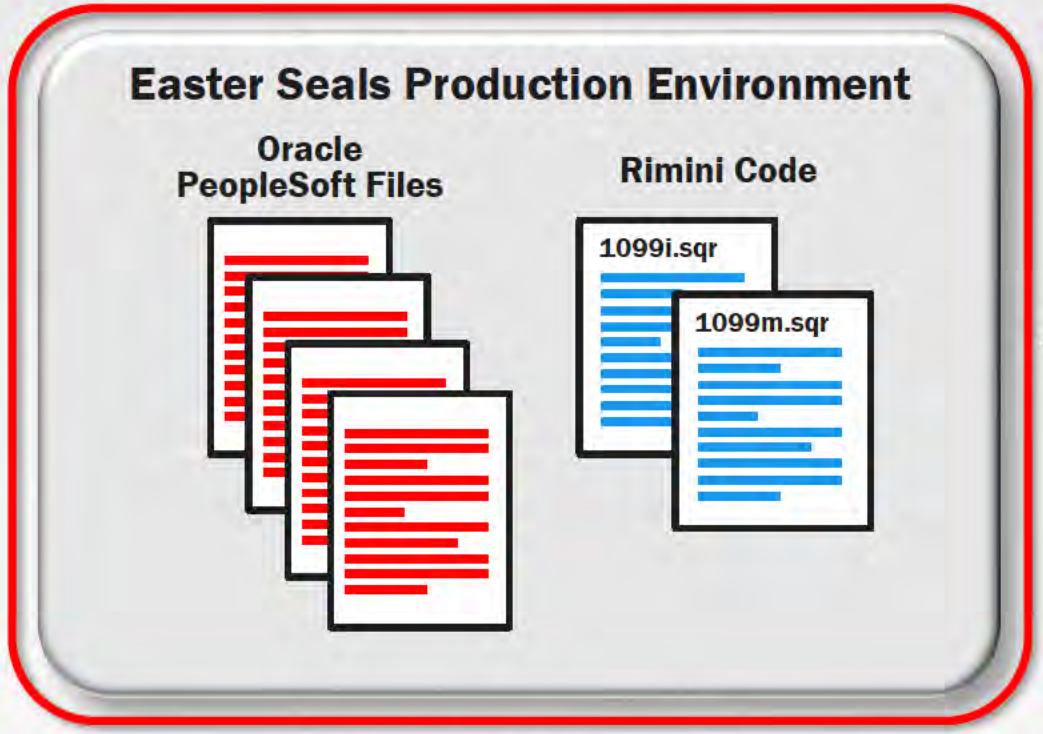
Rsfif_18.gif
Rsfil_18.gif
Rsfil2_18.gif
Rsfmt_18.gif
Rsfmi_18.gif

Rsi1099i.sqr (DTX-0619)
Rsi1099m.sqr (DTX-0620)



← Rimini work product

- Code to print IRS 1099 forms
- No Oracle copyrighted material

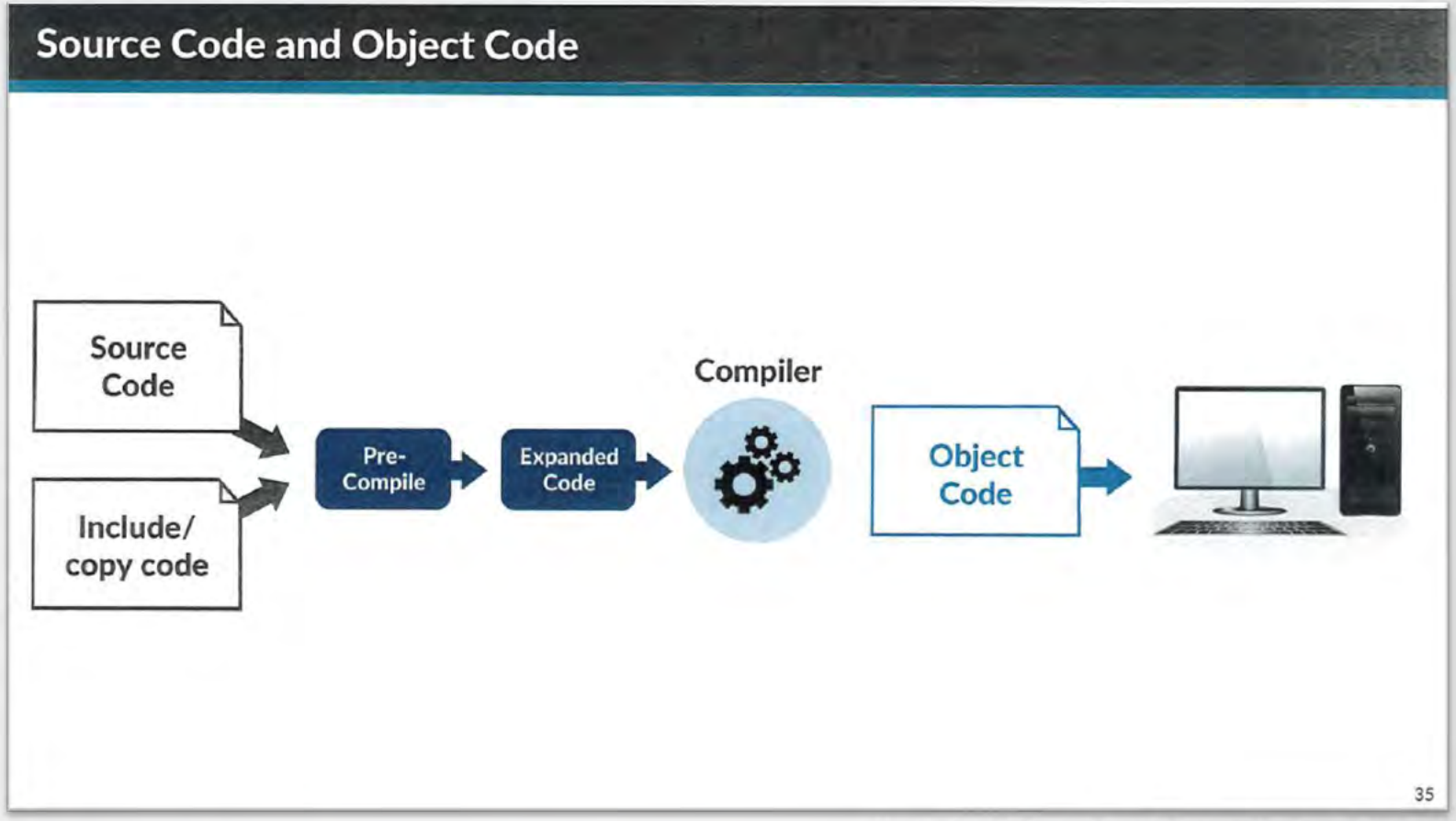


Environment as a whole is derivative work, compliant with injunction

Not a derivative work

#include

Barbara Frederiksen-Cross



Oracle Frederiksen-Cross Demonstrative at slide 35

Inclusion happens in the client's environment

Issue 6: Conclusions

- New Rimini-written files to replace old Rimini-written files (rsi1099i.sqr, rsi1099m.sqr)
- Not a derivative work
- No Oracle copyrighted material
- Not cross-use to send Rimini work product to clients

- Issue 1: Isolated PeopleSoft files sent by clients
- Issue 5: RSPCMPAY.cbl
- Issue 9: JDE105328 Technical Specification
- **Derivative Works and "Cross Use"**
  - Issue 3: W-2 update for Johnson Controls
  - Issue 4: rsi940a.sqr update for Smead and Spherion
  - Issue 6: 1099 Update for Easter Seals
  - **Issue 10: rsiqtrtx.sqr update for Rockefeller Group and Home Shopping Network**

rsiqtrtx.sqr update

Barbara Frederiksen-Cross

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

ORACLE USA, INC.; a Colorado corporation; ORACLE AMERICA, INC.; a Delaware corporation; and ORACLE INTERNATIONAL CORPORATION, a California corporation, Plaintiffs, v. RIMINI STREET, INC., A NEVADA CORPORATION; AND SETH RAVIN, AN INDIVIDUAL, Defendants.	CIVIL CASE NO. 2:10-cv-0106 LRH-VCF

Corrected Post-Injunction Expert Report of Barbara Ann Frederiksen-Cross

RRD on November 6, 2018. A June 7, 2019 email chain, discussing how this update has not been delivered to certain new customers, further indicates this file, rsiqtrtx.sqr, is a one-code-for-all file that can be distributed to new Rimini customers.[270]

Corrected Post-Injunction Expert Report of Barbara Frederiksen-Cross
HIGHLY CONFIDENTIAL INFORMATION—ATTORNEYS' EYES ONLY

Frederiksen-Cross Post-Inj. Rpt., ¶ 269

Use of rsiqtrtx.sqr Is Not Cross-Use

- No reproduction of Oracle code.
- No reproduction of any client's Oracle code to support a different client.
- Update was implemented and tested in RKF's and HSP's respective environments.

Developing HCM200105 for HSP

Development

Follow 13 steps in Dev Instructions to make modifications in client's environment

Send rsiqtrtx.sqr

Send Rimini work product from Rimini's systems to client's dev environment

Integrate Code

Further development in client's dev environment

Test & Debug

- Test all modifications and integrate files
- Debug and further modify as necessary

Quality Assurance Testing

Turn update over to QA team for QA testing in QA environment

Issue 10: Conclusions

- No evidence that rsiqtrtx.sqr contains Oracle copyrighted material
- No reproduction of one client's Oracle software for a different client
- Updates developed in RKF's and HSP's respective DEV environments
- Updates tested in RKF's and HSP's respective QA environments
- No "cross-use"

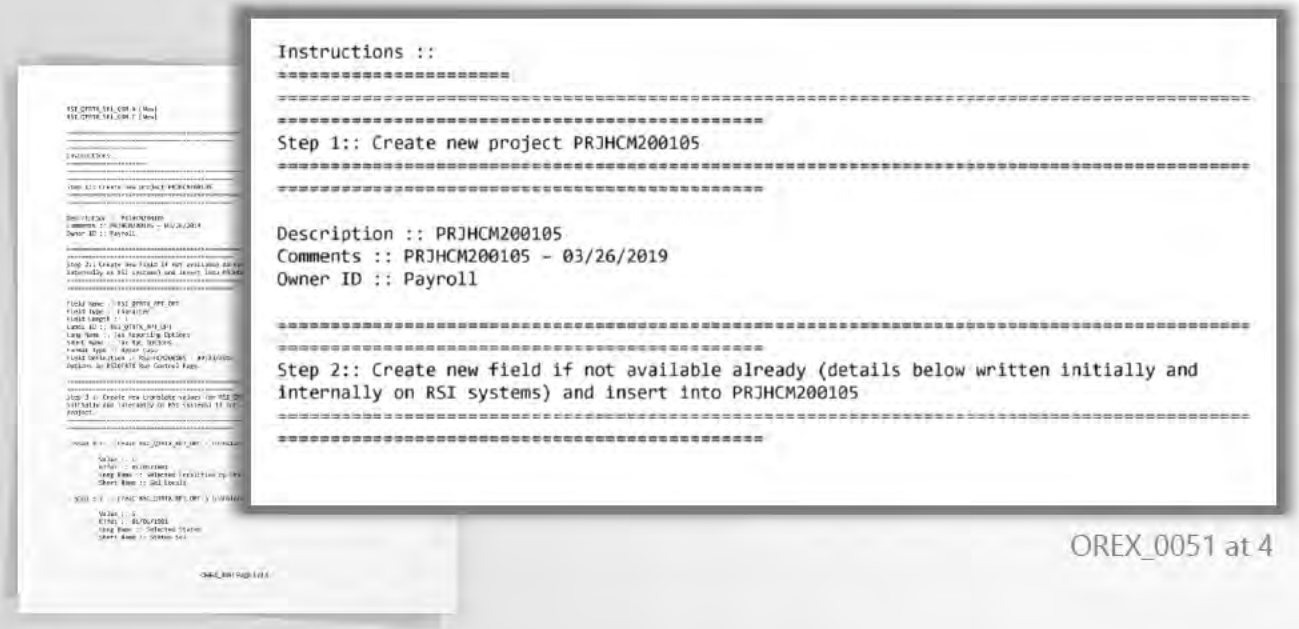
Rimini's Recordkeeping

Jira Software

spiraTest

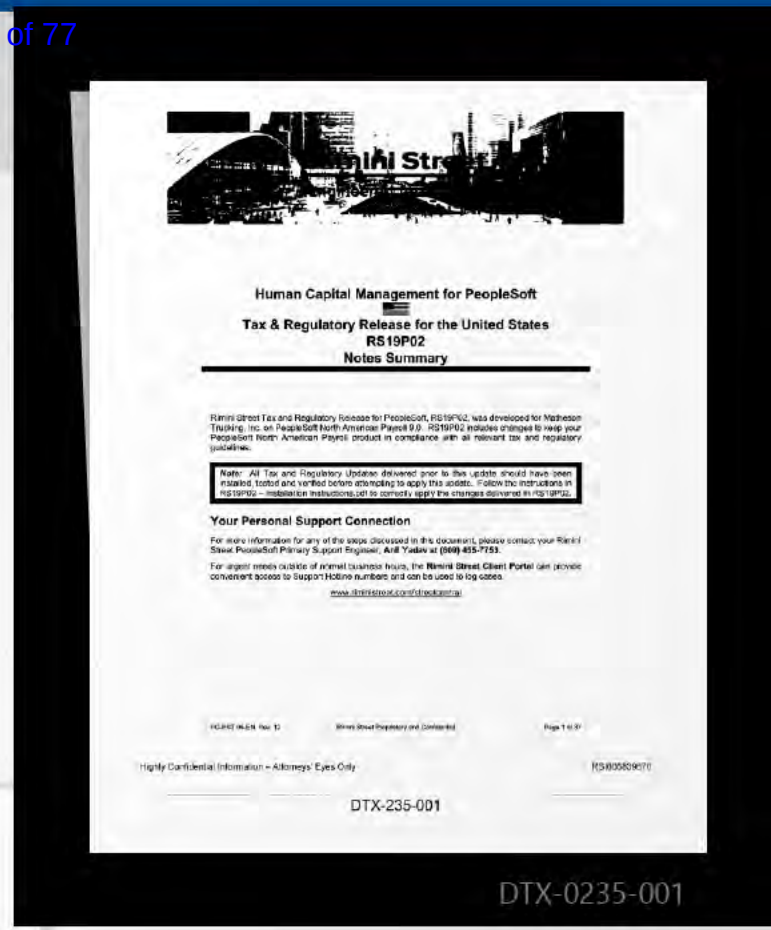
DevTrack

salesforce



```
Instructions ::
==========
================================================================================
================================================
Step 1:: Create new project PRJHCM200105
================================================================================
================================================

Description :: PRJHCM200105
Comments :: PRJHCM200105 - 03/26/2019
Owner ID :: Payroll

================================================================================
================================================
Step 2:: Create new field if not available already (details below written initially and
internally on RSI systems) and insert into PRJHCM200105
================================================================================
================================================
```

OREX_0051 at 4



Human Capital Management for PeopleSoft

Tax & Regulatory Release for the United States
RS19P02
Notes Summary

Rimini Street Tax and Regulatory Release for PeopleSoft, RS19P02, was developed for Matheson Trucking, Inc. on PeopleSoft North American Payroll 9.0. RS19P02 includes changes to keep your PeopleSoft North American Payroll product in compliance with all relevant tax and regulatory guidelines.

Note: All Tax and Regulatory Updates delivered prior to this update should have been installed, tested and verified before attempting to apply this update. Follow the instructions in RS19P02 – Installation Instructions.pdf to correctly apply the changes delivered in RS19P02.

Your Personal Support Connection

For more information for any of the steps discussed in this document, please contact your Rimini Street PeopleSoft Primary Support Engineer, **Anil Yadav at (669) 455-7753.**

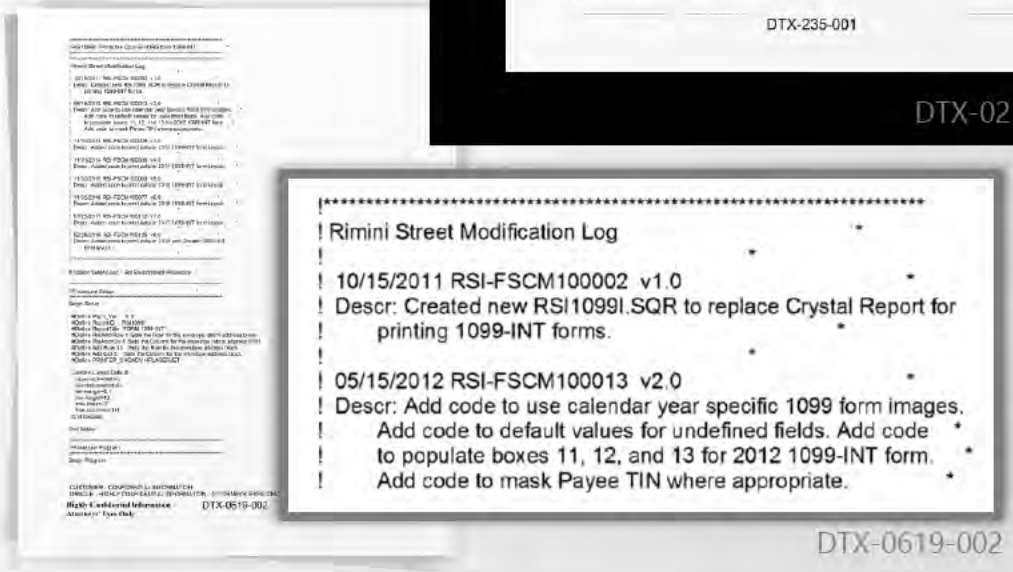
For urgent needs outside of normal business hours, the **Rimini Street Client Portal** can provide convenient access to Support Hotline numbers and can be used to log cases.

www.riministreet.com/clientportal

Highly Confidential Information – Attorneys' Eyes Only

DTX-235-001

DTX-0235-001



```
!*****************************************************************
! Rimini Street Modification Log                                 *
!                                                                *
! 10/15/2011 RSI-FSCM100002  v1.0                                *
! Descr: Created new RSI1099I.SQR to replace Crystal Report for  *
!      printing 1099-INT forms.                                  *
!                                                                *
! 05/15/2012 RSI-FSCM100013  v2.0                                *
! Descr: Add code to use calendar year specific 1099 form images.*
!      Add code to default values for undefined fields. Add code *
!      to populate boxes 11, 12, and 13 for 2012 1099-INT form.  *
!      Add code to mask Payee TIN where appropriate.             *
```

DTX-0619-002

DTX-0619-002